

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00025

DAN CLINTON ADAMS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 27, 2013, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Dan Clinton Adams, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a two-year less one day term of supervised release in this action on September 30, 2011, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on November 15, 2010.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed cocaine as evidenced by positive urine specimens submitted by him on October 24, 2011; February 6 and 21, March 11 and June 7, 2013; and the defendant's admission on October 24, 2011, to the probation officer that he had smoked crack on October 21, 2011, his admission on March 11, 2013, to the probation officer that he had smoked crack three times since February 21, 2013, with the last occasion being on March 9, 2013, and his admission on July 12, 2013, to the probation officer that he smoked crack on July 9, 2013; (2) the defendant failed to provide a urine screen as instructed on July 11, 2013; and (3) the defendant sold crack cocaine over a two-day period commencing January 29, 2013, and again on July 11, 2013, as evidenced by his admission on the record of the hearing that the government possesses sufficient evidence to prove the offenses by a preponderance of the evidence; violations (1) and (2) having been admitted by the defendant on the record of the

hearing and (3) having been admitted to the extent set forth above.


And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TIME SERVED, to be followed by a term of twenty-two months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another

federal, state or local crime and the special condition that he make himself available for the six-month after-care program administered by the United States Department of Veterans Affairs as outlined on the record of the hearing and participate in such further substance abuse counseling and treatment as directed by the probation officer. The defendant shall engage himself in lawful, gainful employment.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 16, 2013


John T. Copenhaver, Jr.
United States District Judge